

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

UNITED STATES OF AMERICA                    )  
  )  
  ) v. CR-05-73-B-W  
  )  
CHRISTOPHER SMITH                            )

**ORDER AFFIRMING THE  
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge filed with the Court on January 6, 2006 her Recommended Decision on Defendant's Motion to Suppress and Supplemental Motion to Suppress and Dismiss. (Docket # 43). The Defendant filed his objections to the Recommended Decision on March 31, 2006 and the Government filed its response to those objections on April 17, 2006. (Docket # 64, 65). I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; I have made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in her Recommended Decision, and determine that no further proceeding is necessary.<sup>1</sup>

1. It is therefore ORDERED that the Recommended Decision of the Magistrate Judge is hereby AFFIRMED.
2. It is further ORDERED that Defendant's Motion to Suppress (Docket # 21) is DENIED.
3. It is further ORDERED that Defendant's Supplemental Motion to Suppress and Motion to Dismiss (Docket # 23) is DENIED.

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<sup>1</sup> The Government argues this Court should affirm Magistrate Judge Kravchuk's Recommended Decision, because it "is not clearly erroneous, nor contrary to law . . . ." *Govt.'s Resp. to Def.'s Obj. to Rec. Dec.* at 1 (Docket # 65). The standard of review, however, is de novo. See 28 U.S.C. § 636(b)(1); FED. R. CRIM. P. 59(b)(1), (3) (stating that "[a] district judge may refer to a magistrate judge for recommendation . . . a motion to suppress evidence," but that "[t]he district judge must consider de novo any objection to the magistrate judge's recommendation").

SO ORDERED.

/s/ John A. Woodcock, Jr.  
JOHN A. WOODCOCK, JR.  
UNITED STATES DISTRICT JUDGE

Dated this 18th day of April, 2006

**Defendant**

**CHRISTOPHER SMITH (1)**

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**Plaintiff**

**USA**

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